

the department head shall notify the Personnel Director in writing thereof as quickly as is practicable.

- B. In the event that such employee is relieved of his duties by the proper authority pending suspension, reduction or dismissal, the notification to the Personnel Director shall be given as quickly as possible.
- C. Within not more than five (5) days after the giving of the notification required above, written notice of suspension, reduction, or dismissal, stating the reasons therefore, and the date from which such action is effective, shall be given to such employee or mailed to his usual place or residence. A copy of such notice shall be submitted to the Personnel Director.
- D. Any employee may appeal from such disciplinary action within ten (10) days after delivery or mailing to him of such written notice, by filing a written request for a hearing to the Personnel Board in the office of the Personnel Director; failure to file within ten days will result in loss of the right to appeal.

14.04 GUIDELINES

The rules and regulations for the Code of Conduct are divided into three groups to reflect degrees of severity of offenses. Disciplinary penalties range in severity from verbal warning, to a written warning, to suspension without pay, to discharge. Disciplinary action will be progressive to the extent possible. Relatively minor infractions (Group 1) if not resolved, typically involve all four steps. More serious Infractions (Group 2) may invoke suspension on the first offense. Those which are most serious (Group 3) subject the offending employee to dismissal. In each group and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned. In each case where the penalty is modified from the recommended standard penalties, the reasons for such modifications will be noted, however, no penalty will be more severe than indicated in these procedures.

A. Notice of Disciplinary Action

In all cases, the department head shall notify the employee of the action taken, and a copy of such notice will be sent to the Personnel Director for placement in the employee's personnel file.

B. Use of Past Record

In imposing any disciplinary measures on a current charge, the department head shall take into consideration all prior infractions of the city rules and regulations.

14.05 THREE GROUPS OF OFFENSES

The progressive discipline procedures of the city are based on three groups of offenses. Rule infractions will subject the employee to the penalties set forth for each group. In regard to Group II and III offenses where the first infraction subjects the employee to suspension or discharge, a lesser penalty may be imposed depending on the circumstances.

GROUP I OFFENSES

First offense - Instruction and written or verbal warning.

Second offense - Eight (8) hours suspension without pay.

Third offense - Forty (40) hours suspension without pay.

Fourth offense - Discharge.

1. Failure to work overtime, special hours or special shifts, after being scheduled according to overtime and standby duty policies.
2. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
3. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
4. Washing up or changing clothes during working hours without specific permission or supervision.
5. Taking more than specified time for meals or rest periods.
6. Productivity or workmanship not up to required standards of performance.
7. Mistakes due to carelessness.
8. Disregarding job duties by loafing or neglect of work during working hours.
9. Where the operations are continuous, an employee shall not leave work site at the end of scheduled shift until relieved by supervisor or relieving employee on the incoming shift.
10. Habitual failure to punch own time card. (Guide for discipline: Three (3) times in any thirty (30) day period.)
11. Tardiness. (Guide for discipline: Three (3) times in a thirty (30) day period.)
12. Chronic absenteeism, including abuse of sick leave. In order to establish abuse of sick leave, the following guide may be used: a) no accumulated sick leave in 12-month period; b) pattern of absences prior to or after scheduled "off" days.
13. Violating a safety rule or safety practice.
14. Failure to report an accident or personal injury in which the employee was involved while on the job.
15. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.

16. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
17. Failure to keep the department and/or the city Personnel Division notified of proper address or telephone number (if any).
18. Being rude or discourteous to citizens or others during the performance of duties.
19. Offensive verbal behavior including, but not limited to using "slang" expressions such as "babe" or "stud" when addressing co-workers, using sexually explicit language, telling sexually oriented jokes or stories and other sexually oriented conversation.
20. Continuing attempts to force attention on a co-worker after being informed that such attention is unwelcome.
21. Display of photographs, pictures, drawings, posters, or similar material which tends to depict men or women as sex objects.

GROUP II OFFENSES

First Offense - Instruction and twenty-four (24) hours suspension without pay.

Second Offense - Discharge.

1. Provoking or instigating a fight, or fighting at any time on city property.
2. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including abusive language.
3. Sleeping during working hours, unless otherwise provided, as in the Fire Department.
4. Negligence or omission in complying with the requirements as set forth in miscellaneous rules.
5. Gambling, lottery, or engaging in any other game of chance at city work stations at any time.
6. Making or publishing statements which impair discipline or job performance in the workplace, breach confidentiality or misuse privileged information.
7. Reporting for work or working while unfit for duty, either medically, mentally or physically.
8. Leaving the job during regular working hours without permission.
9. Mistakes due to carelessness which affect the safety of city personnel, equipment, tools or property.
10. Posting or removal of any matter on bulletin boards of city property at any time unless authorized.

11. Distributing written or printed matter (of any description) on city premises unless authorized.
12. Failure to report either a request for information from an attorney or receipt of a subpoena if such concerns city business or operations.
13. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on city time or city premises unless authorized by the Department Head and City Manager.
14. Use or possession of another employee's tools or equipment without the employee's consent.
15. Refusal to give testimony in accident investigations.
16. Causing material, parts or equipment to be damaged or scrapped due to carelessness.
17. Receipt from any person of any fee, gift, or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope of expectation of receiving a favor or better treatment than that accorded other persons.
18. The display of vulgar or sexually explicit photographs, pictures, drawings, posters or similar material.
19. Continuing to pressure a co-worker with requests for dates, requests for sexual favors, propositions and similar advances of a sexual nature after being informed that such advances are unwelcome.
20. Any unwelcome touching of another employee in the workplace.

GROUP III OFFENSES

First Offense - Discharge

Amended by Ord # 2005-29

1. Wanton or willful neglect in the performance of assigned duties.
2. Deliberately misusing, destroying or damaging any city property or property of any employee.
3. Knowingly punching the time card of another employee, having one's time card punched by another, or unauthorized altering of a time card.
4. Falsification of personal or city records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
5. Making false claims or misrepresentations in an attempt to obtain sickness/accident benefits or worker's compensation.

6. Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force.
7. Unauthorized possession of firearms, explosives or weapons on city property.
8. Theft or removal from city locations without proper authorization of any city property or property of any employee.
9. Engaging in off-duty conduct which discredits the city or impedes job performance.
10. The use and/or sale of unlawful drugs.
11. Being absent from duty (A.W.O.L.) without proper authorization.
12. Failure to return from an authorized leave of absence.
13. Permitting another person to use your city identification, or using another person's, or altering a city identification card.
14. Incompetence or inefficiency in the performance of assigned duties as reflected in annual performance appraisal.
15. Use or attempted use of political influence or bribery to secure an advantage of any manner.
16. Conviction of a felony or of a misdemeanor involving moral turpitude.
17. Concerted curtailment or restriction of production or interference with work in or about the city's work stations including, but not limited to, instigating, leading or participating in any walk-out, strike, sit-down, stand-in, slow-down, or refusal to return to work at the scheduled time for the scheduled shift.
18. Participation in a strike, work stoppage or sick-in against the city.
19. Failure to cooperate with City Council or members of City Council, or providing false information to City Council or any member thereof.
20. Drinking alcoholic beverages on the job, or coming to or returning to work after having been drinking alcoholic beverages, or possession of alcoholic beverages on the job.
21. Loaning money to city employees and charging excessive interest rates.
22. Continuing to pressure a **subordinate** with requests for dates, requests for sexual favors, propositions and similar advances of a sexual nature after being informed that such advances are unwelcome.
23. Any statement by a supervisor which can be construed to mean that the response to a sexual advance or submission to any offensive behavior will affect an employment decision or a term or condition of employment.

ORDINANCE NO. 2005-29

AN ORDINANCE TO AMEND SECTION 14.05 GROUP III OFFENSES OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

Be it ordained by the City Council of the City of Phenix City, Alabama:

That Section 14.05 Group III Offenses of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended as follows:

Group III OFFENSES

First Offense – Discharge

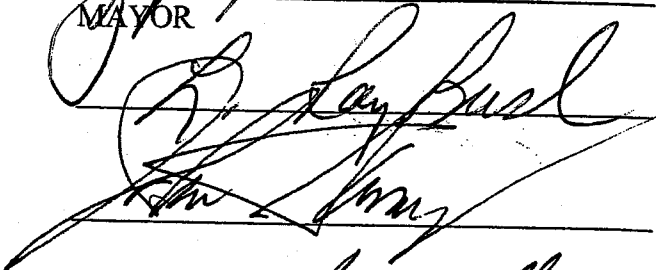
1. Wanton or willful neglect in the performance of assigned duties.
2. Deliberately misusing, destroying or damaging any city property or property of any employee.
3. Knowingly punching the time card of another employee, having one's time card punched by another, or unauthorized altering of a time card.
4. Falsification of personal or city records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
5. Making false claims or misrepresentations in an attempt to obtain sickness/accident benefits or worker's compensation.
6. Insubordination by the refusal to perform work assigned to or failure to comply with written or verbal instructions of the supervisory force or to defy the authority of the supervisory force.
7. Unauthorized possession of firearms, explosives or weapons on city property.
8. Theft or removal from city locations without proper authorization of any city property or property of any employee.
9. Engaging in conduct on or off duty which discredits the city or impedes job performance.
10. The use and/or sale of unlawful drugs.
11. Being absent from duty (A.W.O.L.) without proper authorization.

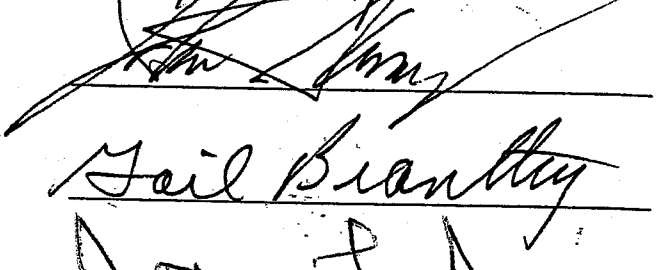
12. Failure to return from an authorized leave of absence.
13. Permitting another person to use your city identification, or using another person's, or altering a city identification card.
14. Incompetence or inefficiency in the performance of assigned duties as reflected in annual performance appraisal.
15. Use or attempted use of political influence or bribery to secure an advantage of any manner.
16. Conviction of a felony or of a misdemeanor involving moral turpitude.
17. Concerted curtailment or restriction of production or interference with work in or about the city's work stations including, but not limited to, instigating, leading or participation in any walk-out, strike, sit-down, stand-in, slow-down, or refusal to return to work at the scheduled time for the scheduled shift.
18. Participation in a strike, work stoppage or sick-in against the city.
19. Failure to cooperate with City Council or members of City Council, or providing false information to City Council or any member thereof.
20. Drinking alcoholic beverages on the job, or coming to or returning to work after having been drinking alcoholic beverages, or possession of alcoholic beverages on the job.
21. Loaning money to city employees and charging excessive interest rates.
22. Continuing to pressure a subordinate with requests for dates, requests for sexual favors, propositions and similar advances of a sexual nature after being informed that such advances are unwelcome.
23. Any statement by a supervisor which can be construed to mean that the response to a sexual advance or submission to any offensive behavior will affect an employment decision or a term or condition of employment.
24. Any unequal or disparate treatment or employees based on sex which is either practiced or condoned by a supervisor.
25. Any sexually oriented grabbing or fondling of another employee in the workplace.
26. Verbal conduct or actions deemed disrespectful or discourteous towards superiors or coworkers. Disrespect shall include abusive language and gestures.

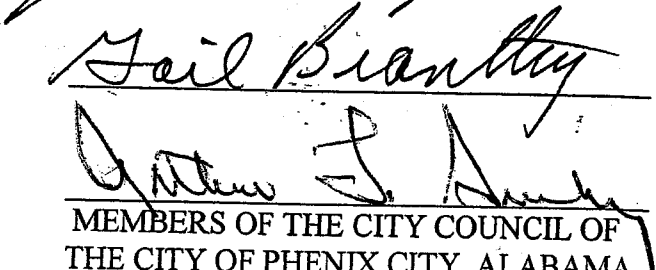
All ordinance or parts of Ordinance in conflict herewith are hereby repealed by this Ordinance.

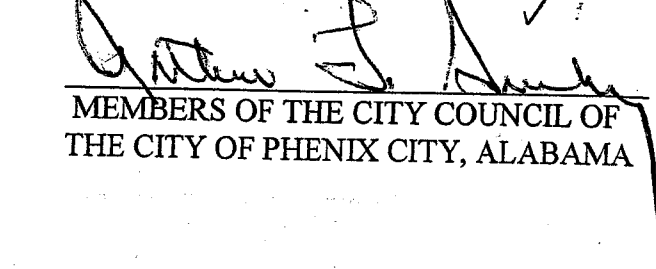
PASSED, APPROVED and ADOPTED this 20th day of
September, 2005.


MAYOR



MEMBERS OF THE CITY COUNCIL OF


THE CITY OF PHENIX CITY, ALABAMA


MEMBERS OF THE CITY COUNCIL OF


THE CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

24. Any unequal or disparate treatment of employees based on sex which is either practiced or condoned by a supervisor.
25. Any sexually oriented grabbing or fondling of another employee in the workplace.

14.06 INSTRUCTION AND WRITTEN WARNING (EMPLOYEE NOTICE)

Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures. In situations where a verbal warning has not resulted in the expected improvement, an Employee Notice may be issued defining the nature of the infraction under the Code of Conduct Rules. The Employee Notice will be sent to the employee and a copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates an Employee Notice.

14.07 SUSPENSION/DISCHARGE AND ADMINISTRATIVE HEARING

14.071 SUSPENSION AND DISCHARGE

An employee may be suspended without pay or discharged from employment by the City Manager for violations of the Code of Conduct rules herein or for reasonable grounds not so specified. If such discharge or suspension is based on charges of dishonesty or immorality the employee shall be given written notice at least three (3) days before the proposed effected date of the suspension or discharge that such action is proposed and the reasons therefor. Such notice shall set a time, date and place at which the City manager will meet with the employee, if the employee so desires, to allow him an opportunity to be heard on the matter and to show cause, if any he can, why such discharge or suspension should not be made effective, should be modified or should be withdrawn. After such hearing the City Manager may make the proposed discharge or suspension effective, modify it or withdraw it.

If the grounds for doing so are not based on dishonesty or immorality the City Manager may, without hearing, suspend without pay or discharge an employee for proper cause.

14.072 ADMINISTRATIVE HEARING *Amended by Ord. # 2002-07*

Any employee (permanent, part-time, probationary, etc.) of the city dismissed from employment under other than mutual agreement, may request and be granted an administrative inquiry relating to the circumstances of the proposed dismissal.

- A. This inquiry shall be conducted by a panel consisting of three members: the City Manager, the Personnel Director, and a third member to be chosen by the employee being terminated. The third member must be an employee of the City of Phenix City and must not have had any type of disciplinary action taken against him/her in the past twelve (12) months.
- B. An employee wishing to exercise this right for an administrative hearing must make the request in writing within three (3) working days to the

Personnel Director. Requests for an administrative hearing not made within this time period will not be honored, and the discharge will remain in effect. The hearing will be held as soon as possible after the action of the department head. Every effort will be made to hear the appeal within five (5) working days

C. The hearing will be attended by:

- 1) Members of the panel
- 2) Department head of the department involved
- 3) City attorney (present to represent the interest of all parties involved)
- 4) Witnesses

D. The department head will present to the panel the circumstances surrounding the discharge. After the presentation, the employee will be allowed to rebut any issues presented.

E. If the panel concurs with the department head, the discharge will remain in effect. Employees who qualify and wish to do so, may exercise their right of appeal before the Personnel Review Board.

F. If the panel does not concur with the department head, another course of action proposed by the panel will be initiated. The panel may accept the discharge, modify the discharge to a lesser offense and punishment, or hold the employee harmless from an offense.

ORDINANCE NO. 2002-07

AN ORDINANCE TO AMEND ORDINANCE NO. 94-36, SECTION 14.072, OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 14.072 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 14.072 ADMINISTRATIVE HEARING

Any permanent employee of the city dismissed from employment under other than mutual agreement, may request and be granted an administrative inquiry relating to the circumstances of the proposed dismissal.

- A. This inquiry shall be conducted by a panel consisting of three members: the City Manager, the Personnel Director, and a third member to be chosen by the employee being terminated. The third member must be an employee of the City of Phenix City and must not have had any type of disciplinary action taken against him/her in the past twelve (12) months.
- B. An employee wishing to exercise this right for an administrative hearing must make the request in writing within three (3) working days to the Personnel Director. Requests for an administrative hearing not made within this time period will not be honored, and the discharge will remain in effect. The hearing will be held as soon as possible after the action of the department head. Every effort will be made to hear the appeal within five (5) working days.
- C. The hearing will be attended by:
 1. Members of the panel
 2. Department head of the department involved
 3. City attorney (present to represent the interest of all parties involved)
 4. Witnesses
- D. The department head will present to the panel the circumstances surrounding the discharge. After the presentation, the employee will be allowed to rebut any issues presented.
- E. If the panel concurs with the department head, the discharge will remain in effect. Permanent employees wishing to do so, may exercise their right of appeal before the Personnel Review Board.
- F. If the panel does not concur with the department head, another course of action proposed by the panel will be initiated. The panel may accept the discharge, modify the discharge to a lesser offense and punishment, or hold the employee harmless from an offense.

BE IT FURTHER ORDAINED that if any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

PASSED, APPROVED and ADOPTED this 2nd day of April, 2002.

MAYOR

MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:

CITY CLERK

EMPLOYEE APPEALS AND GRIEVANCES

SECTION 15

It is the policy of the city to grant employees who have been disciplined under the provisions of Section 14 the right of appeal. The Personnel Board is authorized to conduct a hearing in which the City Manager will be required to state the reasons for the action and the employee will be given the opportunity to respond. The board is authorized to consider the evidence and issue an advisory opinion to the City Manager. The City Manager may accept the Board's findings or request modification. If the matter cannot be resolved, the City Manager may appeal to the City Council who will make the final decision. The City Manager, in cooperation with the Personnel Board, is responsible for developing appropriate procedures for disciplinary appeals.

15.01 APPEALS

Following any disciplinary action, as outlined in Section 14 of these Rules and Regulations, the disciplined employee shall receive written notification stating the right to appeal such disciplinary action to the Personnel Board.

15.011 APPEALS TO THE PERSONNEL BOARD

- A. The Personnel Board shall hear appeals in cases involving disciplinary actions of regular employees who have satisfactorily completed their probationary period.
- B. The appeal by the employee shall be made within ten working days after delivery or mailing of the written notice, by filing a written request for a hearing with the Personnel Director; the Personnel Director shall forward the request to the Personnel Board.
- C. The Personnel Board shall set a time and place for a hearing to be held at the earliest practicable date; in all events within thirty days after the receipt of the appeal. The Board shall notify its members, the employee, the department head, and the Personnel Director of the time and place scheduled for the hearing.
- D. Hearing before the Personnel Board shall be conducted informally in accordance with the procedures established by the Board and shall not be bound by formal rules and regulations.
- E. The Personnel Board and any member of the Board shall have the power to administer oaths, call witnesses, and may, with the approval of the City Manager, compel the production of books, records, and papers pertinent to any investigation or hearing under these Rules and Regulations.
- F. The Personnel Board shall transmit its findings and advisory opinion to the City Manager within three days of the completion of the hearing.

- G. In cases of disciplinary actions, the City Manager may accept the findings and opinion of the Personnel Board or may determine that the disciplinary action needs to be modified; the City Manager shall recommend a course of action to the Personnel Board. Within seven days after receiving the request, the Personnel Board shall reaffirm or modify its original findings and opinion in writing to the City Manager. The decision of the Personnel Board shall be final unless appealed by the City Manager to the City Council. The employee shall have no further right of administrative appeal. The employee and all parties affected shall be promptly notified in writing of the final decision.
- H. The City Attorney shall be present and represent the city at all Personnel Review Board hearings

15.02 EMPLOYEE COMPLAINTS AND GRIEVANCES

Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as grievances.

Other complaints and grievances which an employee may have because of an action affecting his status or conditions of employment shall be handled in the procedure outlined in this section.

15.021 PURPOSE OF A GRIEVANCE

The primary purpose of a grievance procedure shall be to determine what is right rather than who is right. Free discussion between employees and supervisors will lead to a better understanding by both of practices, policies and procedures which affect employees. This will tend to identify and eliminate conditions which may cause misunderstanding and grievances. The intended purpose is defeated if a spirit of conflict enters into the consideration of a grievance. Supervisors and employees alike shall recognize the true purpose of a grievance procedure if it is to be of value in promoting the well-being of the City Service.

15.022 DEFINITION OF A GRIEVANCE

A grievance is a complaint--a view or opinion pertaining to employment conditions, to relationships between employees and supervisors, or to relationships with other employees. Disciplinary actions, dismissals, demotions, suspensions, fines, reduction in pay, position classifications and allocations shall not be subject to review as a grievance. (See Employee Appeals, Section 15.01)

15.023 PROCEDURE FOR PRESENTATION OF A GRIEVANCE

- A. Any employee having a complaint, (a view or opinion supported by facts), pertaining to employment conditions or relationships with his immediate supervisor or other employees (not involving sexual harassment) shall first discuss the matter with his immediate supervisor. The supervisor, if not department head status, may contact his department head for advice and counseling, and an answer shall be given to the employee within three working days. If the employee is not satisfied with the answer, he shall

follow the next step in the procedure. **Note:** If the matter involves sexual harassment, follow procedures in section 15.024 below.

- B. If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if the decision has not been made by the immediate supervisor within three days, the employee may discuss the matter with the next higher level of management. An answer shall be given to the employee within three working days. If the employee is not satisfied with the answer he/she shall follow the next step in the procedure.
- C. The employee may submit the grievance to the department head in writing. The department head, within five working days, shall render a written decision which shall state the problem, the applicable policy or regulation, and the reasons for applying the policy and decision. Copies of the department head's decision shall be forwarded to the employee, division head, immediate supervisor, and the Personnel Director. If the employee is not satisfied with the answer, he/she shall follow the next step in the procedure.
- D. The employee may submit the grievance to the City Manager in writing. The City Manager shall put in writing the decision he/she has rendered concerning the grievance within five working days from the receipt of the written grievance from the employee. The decision of the City Manager shall be final, and the employee shall have no further rights of administrative appeal

15.024 PROCEDURE FOR PRESENTATION OF A GRIEVANCE INVOLVING SEXUAL HARASSMENT

- A. Any employee having a complaint involving sexual harassment may, but is not required to, inform the immediate supervisor. If the complaint involves the supervisor the employee will by-pass supervisory channels and report the matter to the department head, Personnel Director or City Manager as appropriate.
- B. Any official or supervisor who receives a complaint or has knowledge of an allegation of sexual harassment will advise the Personnel Department the same working day. No other discussion or disclosure of the allegation is permitted.
- C. The Personnel Department will immediately log the allegation and will open a file.
- D. The Personnel Director or designated representative will interview the complainant within 24 hours and will obtain specific information regarding the time, place, and circumstances of the above incident.
- E. All interviews will be held in the Personnel Department.
- F. The complainant will be given the opportunity and may be required to furnish a statement.

- G. The Personnel representative will advise the complainant of the requirement for confidentiality, that an investigation will be conducted, and that he or she is protected against retaliation.
- H. The Personnel Director will direct whatever further action is considered appropriate including administrative leave or professional counseling to insure the welfare of the complainant.

ATTENDANCE AND LEAVE**SECTION 16**

It is the policy of the city to establish hours of work in accordance with the needs of the public for services and to require employees to be present for duty during prescribed times. Overtime work is work beyond normal hours as defined by the Fair Labor Standards Act of 1938, as amended, and appropriate Federal regulations. The City Manager may designate additional work as overtime if such designation does not conflict with the law or regulations. Overtime work will be compensated in accordance with laws and regulations either by payment or by granting compensatory time off. It is the policy of the city that employees should work overtime only when it is in the interest of the city and is the most practical way to accomplish unusual work loads. The Personnel Director is responsible for developing detailed procedures for authorization and compensation for unavoidable overtime work.

It is the policy of the city to provide paid holidays and to allow city employees to earn vacation leave based on years of service. The city will also provide funeral, military, civil, maternity, and family leave and may grant leave without pay based on a case-by-case basis. The City Manager is responsible for proposing appropriate holidays to the City Council. The Personnel Director is responsible for developing and obtaining approval for detailed procedures for administration of various types of leave.

16.01 ATTENDANCE

Department heads shall be responsible for the attendance of all persons in their departments.

16.02 OVERTIME

Overtime is work beyond the normal hours of any scheduled work week as authorized or directed by a department head; in departments in which unusual work schedules are required, overtime may be otherwise defined in special administration regulations of the City Manager. In any department, overtime shall be authorized or directed only when it is in the interest of the city and is the most practicable and economical way of meeting unusual workloads or deadlines. Overtime may be directed and authorized by department heads for specific eligible classes of positions in accordance with guidelines approved by the City Manager. In the absence of approved guidelines, a department head shall authorize or direct overtime for a particular class of employees only after the approval of the City Manager has been obtained.

16.03 COMPENSATION FOR OVERTIME

*Amended by Ord. # 96-19
96-23
2006-15*

- A. The term overtime is defined as more than forty (40) hours physically worked in a seven (7) day workweek, except for police and fire services. In these services, overtime will be governed according to hours physically worked over the maximum in a work period allowed by the Fair Labor Standards Act. By definition, work periods are as follows:

Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

- B. Overtime pay or compensatory time off shall be given only for authorized or directed overtime.
- C. Compensatory leave shall be at the rate of one hour leave for one hour of overtime if such time is taken in the same pay period. If not taken in the same pay period compensatory leave shall be at the rate of one-and-one half hours leave per overtime.
- D. Authorized and approved overtime shall be paid as prescribed by F.L.S.A.
- E. Classification and Pay Plan relating to overtime or granted compensatory time in excess of normal hours shall comply with the F.L.S.A. (Fair Labor Standards Act) based on job classification.
- F. An employee who has performed authorized or directed overtime may request compensatory leave instead of pay, and such leave may be granted by the department head, if, in his/her discretion, it is administratively feasible to do so and provided such leave shall be used in compliance with the F.L.S.A.
- G. A record of earned compensatory time shall be maintained in the department of the employee.

ORDINANCE NO. 2006-15**AN ORDINANCE TO AMEND SECTION 16.03 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA**

Be it ordained by the City Council of the City of Phenix City, Alabama:

That the Merit System Rules and Regulations of the City of Phenix City, Alabama, Section 16.03 is hereby amended as follows:

16.03 COMPENSATION FOR OVERTIME

- A. The term overtime is defined as hours physically worked in excess of forty (40) hours in a work week, except for police and fire services. In these services, overtime will be governed according to hours worked over the maximum in a work period (cycle) allowed by the Fair Labor Standards Act. By definition, work periods (cycles) are as follows:

Work period (days)	<u>Maximum hours standards</u>	
	Fire Protection	Law Enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

1st
Reading
7-18-06

- B. Overtime pay shall be given only for authorized or directed overtime.
- C. Authorized and approved overtime shall be paid at time and one half the regular hourly rate as prescribed by F.L.S.A. (Fair Labor Standards Act) in excess of the hours allowed in cycle.
- D. Classification and Pay Plan relating to overtime in excess of 40 hours physically worked in a work week, except for Police and Fire Services, which will be the excess in a work period (cycle) which shall comply with the F.L.S.A. (Fair Labor Standards Act) based on job classification.

PASSED, APPROVED and ADOPTED this 2nd day of May, 2006.

MAYOR

L. Ray Bush

John T. Tomy

Paul Brantley

Arthur J. Smith

MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:

Maureen Hanks
CITY CLERK

- H. Compensatory time shall be used prior to the use of annual leave. No compensatory time will be carried for more than a twelve (12) month period.

16.04 HOLIDAYS

*Amended by Ord # 2003-02
1/7/03*

The following holidays shall be observed by the city:

January 1	-	New Year's Day
Third Monday in January	-	Martin Luther King, Jr. Day
Last Monday in May	-	Memorial Day
July 4	-	Independence Day
First Monday in September	-	Labor Day
November 11	-	Veterans Day
Fourth Thursday in November	-	Thanksgiving Day
Fourth Friday in November	-	Friday after Thanksgiving
December 25	-	Christmas Day

- A. Regular permanent full-time and probationary full-time employees will receive 8 hours off or 8 hours pay per holiday. All holidays earned must be taken as time off or paid in the same pay period as earned.
- B. An employee must be on active pay status or work the normal schedule of hours, both on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time, except where absence is authorized in accordance with the Merit System rules and regulations.
- C. Employees who are required by their supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday time. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with holiday time for that day.
- D. If the holiday falls during an employee's scheduled vacation, the employee will be charged with holiday time for that day.
- E. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. Monday shall be designated a substitute holiday and shall be observed as the official holiday when a holiday falls on a Sunday. This shall not apply to shift employees.
- F. Employees assigned and scheduled to work on a holiday, and who in fact do work, shall receive their pay for that day plus eight (8) hours pay for the holiday.
- G. Employees on jury duty, sick leave, funeral leave, or annual military leave must use the holiday on the same day that it is earned.
- H. If a holiday falls on an employee's regular day off, one day of holiday pay shall be paid in accordance with (A) of this section.
- I. Under no circumstances shall time and one-half be paid for a holiday.

- J. Permanent part-time, temporary part-time, temporary full-time, and provisional employees shall not earn paid holiday time.
- K. The City Manager will determine when any department or operation will be closed in observance of a holiday.

16.05 VACATION

- A. All regular permanent full-time and probationary full-time employees shall earn paid vacation on the following basis:

SERVICEVACATION HOURS CREDIT

First day through 5 years

Eight (8) hours of vacation for each 174 regularly scheduled work hours on active pay status.

After 5 years through 15 years

Twelve (12) hours of vacation for each 208 regularly scheduled work hours on active pay status.

After 15 years

Sixteen (16) hours of vacation for each 208 regularly scheduled work hours on active pay status.

- B. Permanent part-time, temporary part-time, temporary full-time employees shall not earn paid vacation time.
- C. Paid vacation shall not be taken during the initial six (6) months of employment or re-employment. After six (6) months, vacation time may then be taken only when credited and when approved by the department head.

16.06 VACATION - EMPLOYEES OF THE FIRE DEPARTMENT

- A. Regular permanent full-time and probationary full-time employees on the 24/48 hours shift shall earn paid vacation on the following basis:

SERVICEVACATION HOURS CREDIT

First day through 5 years

Eight (8) hours of vacation for each 230 regularly scheduled work hours on active pay status

After 5 years through 15 years

Twelve (12) hours of vacation for each 276 regularly scheduled work hours on active pay status.

After 15 years

Sixteen (16) hours of vacation for each 276 regularly scheduled work hours on active pay status

- B. Permanent part-time, temporary part-time, temporary full-time employees shall not earn paid vacation.
- C. Paid vacation shall not be taken during the initial six (6) months of employment or re-employment. After six months, vacation time may then be taken only when credited and when approved by the department head.

16.07 VACATION - ACCRUED HOURS

- A. The maximum number of vacation hours allowed to be carried over are as follows:

Scheduled hours per week	First day through 5 years	After 5 years	After 15 years
40	120	180	240
53	120	180	240

- B. Except in special circumstances employees will not be entitled to carry over additional vacation time once they have reached the maximum allowed based on their scheduled hours per week. Allowing an employee to accrue more than the maximum number of vacation hours shall be for the convenience of the city in special cases. Special cases shall be approved by the City Manager.

16.08 VACATION - SCHEDULING

- A. Application for vacation shall be made in advance of use. In emergency cases, the department head may waive this requirement. The nature of an employee's job may require the department head to restrict scheduling of vacation during certain periods of the year. When practicable and in the best interests of the city, a department head may require the use of vacation time in amounts of forty (40) or more hours.

16.09 VACATION - PAY

- A. Payment of vacation time in lieu of actually taking vacation will not be permitted except in the following cases:
 1. Entering military service
 2. Separation from city employment
 3. Retirement from City Service
- B. Upon separation (including entering military service or retirement), employees shall be entitled to compensation for any earned but unused vacation time to their credit on the effective date of termination or suspension. This applies only to regular permanent full-time and regular full-time probationary employees having more than six months service.

16.10 LEAVES OF ABSENCE - SICK LEAVE

Regular permanent full-time and probationary full-time employees shall earn eight (8) hours sick leave for each 174 regularly scheduled work hours on active pay status.

Fire Department employees working on a 24/48 hour shift shall earn eight (8) hours sick leave for each 230 regularly scheduled work hours on active pay status.

- A. Unused sick leave may be accrued, based on the scheduled work week, to the maximum carryover as follows:

Scheduled Hours per week	Maximum Carryover of Sick Leave Days Allowed
40	91
53	91

- B. An employee incapacitated and unable to work shall notify his immediate supervisor at such time before his scheduled reporting time as is designated by the department head, giving the reason for absence and expected period of absence. This procedure shall be followed for each day the employee is unable to work, unless prior approval is given by the department head. The department head shall make the determination that an employee was actually too ill to be expected to work. Unless the department head can determine that fact from observation or otherwise, a doctor's certificate must be furnished before the sick leave compensation is granted.
- C. Upon termination of employment, no payment shall be made for unused sick leave.
- D. Sick leave may be granted for the following purposes:
1. Personal injury or illness not connected with work, or exposure to a contagious disease which would endanger others.
 2. Necessary employee appointments with physicians or dentists.
 3. Absences due to critical illness or death in the immediate family of the employee.
- E. Sick leave shall not be granted for nursing service of the employee's family when such service can be supplied by others on a paid or unpaid basis, day care for the employee's children, housekeeping services, or in place of annual leave.
- F. After the completion of six months of continuous service, the employee shall be eligible to use such leave as earned, subject to the provisions of these rules.
- G. An employee making a departmental transfer will retain any credited unused sick leave.
- H. Accrued sick leave may be used for meeting length of service required for service retirement eligibility if allowed by Retirement Plan.
- I. Absence due to sickness or injury which extends beyond an employee's sick leave and vacation is leave without pay. (See Section 16.15)

16.11 FUNERAL LEAVE

Regular permanent full-time and probationary full-time employees may be granted, upon approval of their department head, time off with pay, not to exceed thirty-two (32) consecutive scheduled working hours, in the event of a death of their immediate family. Members of the fire department who work 24-hour shifts shall be allowed forty-eight (48) consecutive scheduled working hours off.

Regular permanent full-time and probationary full-time employees may be granted, upon approval of their department head, time off with pay, not to exceed sixteen (16) consecutive scheduled working hours, in the event of a death of in-law members of the family. Members of the Fire Department who work 24-hour shifts shall be allowed twenty-four (24) consecutive working hours off with pay.

- A. An employee's immediate family is defined as the employee's spouse, father, mother, son, daughter, sister, brother, grandparents, and grandchildren.

An employee's in-law members of the family are defined as father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, and grandparents-in law.

- B. Proof of death may be required from the employee before compensation is approved for funeral leave.
- C. If travel is involved, extension of time off may be granted to be taken without pay or, if accrued vacation time is used, with pay.
- D. In special cases where a non-family member has stood in the place of a family member (such as foster parents), funeral leave with pay may be granted; this request must be approved by the City Manager.

16.12 MILITARY LEAVE

All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, who shall be active members of the Alabama National Guard, naval militia or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense, other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation or sick leave; no person granted such leave of absence with pay shall be paid for more than twenty-one (21) working days per calendar year, and such persons shall be entitled, in addition thereto, to be paid for no more than 21 working days at any one time while called by the governor to duty in the active service of the state.

The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave to his/her department head and must be approved by the City Manager before payment can be made.

16.13 REINSTATEMENT FROM MILITARY SERVICE

Upon termination of such military service, an employee who wishes to return to work shall report for duty to the city within ninety (90) days from the date of discharge.

- A. An employee shall not be considered eligible for reinstatement by the city of Phenix City if he or she:
 - 1. Is dishonorably discharged.
 - 2. Voluntarily elects to remain in the military service.
 - 3. After being discharged upon completion of required military service, subsequently decides to re-enlist voluntarily. An employee shall not be eligible to be granted military leave for such extended service.
- B. Before returning to one's position, an employee granted leave of absence for military service shall submit to a medical examination in order to establish physical and mental fitness to perform duties of said position.
- C. An employee returning to duty shall start at the salary which would have been received, including all adjustments, had service in the city remained continuous.
- D. If the position vacated by an employee entering the military service is reclassified or renamed during the period of military service, such employee shall be entitled to be reinstated in such position according to its classification or name at the time of application for reinstatement; an employee not capable of satisfactorily performing the duties of such position shall be entitled to reinstatement in a position as nearly comparable as possible in salary and duties to the one vacated. An employee whose former position has been abolished shall be entitled to be placed in another position as nearly comparable to it as possible.

16.14 CIVIL LEAVE

An employee shall be given time off without loss of pay when performing jury duty; appearing (by subpoena) before a court, public body, or commission; or performing emergency civilian duty in connection with national defense. Proof may be required.

Leave for court attendance when employees are the defendants or engaged in personal litigation shall be charged to their annual leave account or to time off without pay.

16.15 LEAVE WITHOUT PAY (LEAVE OF ABSENCE)

- A. The decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be incumbent upon each department head to weigh and determine each case on its own merits. Any leave of absence must have the approval of the City Manager. In each case the city shall make a reasonable effort to return the employee to the former position or a similar position of the same classification in another department. If no opening exists, the employee shall be placed on the eligible register for a period of six months. All department heads are required to adhere to the following practices:
 - 1. Department heads must submit written requests placing employees on a leave of absence for any period of leave without pay which extends thirty (30)

consecutive days or longer. The leave of absence will be effective beginning with the first day of absence. Leave without pay includes excused absences for sickness or injury without accumulated sick leave and other excused absences without pay. Leave without pay for thirty (30) consecutive days or longer will result in a corresponding adjustment of anniversary and classification dates.

2. Employees granted a leave of absence must keep their department heads informed every three (3) months of their current activity (school, medical, military, etc.). In addition, employees must keep department heads advised of their current addresses at all times.
3. An employee who attains either part-time or full-time employment elsewhere while on an authorized leave of absence is required to notify his department head in writing within three (3) days of accepting such employment.
4. Failure to comply with items 2 and 3 above may result in the employee being dropped from leave of absence status, in which case the employee must either return to duty or be dismissed.
5. Any employee granted leave of absence shall contact the department head at least two (2) weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process.
6. Failure to return to work at the expiration of the approved leave shall be considered as absent without permission and grounds for dismissal.
7. No sick leave or annual vacation will be earned by an employee for the time that the employee is on leave without pay.

16.16 MATERNITY LEAVE

An employee who is required to be absent from work for maternity reasons will be considered to be temporarily disabled and, upon request and certification of pregnancy, will be granted a leave of absence. Prior to requesting a leave of absence, the employee may elect to utilize any accumulated sick leave and vacation time during her period of physical disability. This leave of absence will be governed by the leave of absence rule, section 16.15, and the following:

- A. In order to provide for uninterrupted coverage, the employee will notify her department head in writing at least thirty (30) days prior to her anticipated date of departure, stating the probable duration of the leave.
- B. The maternity leave will be for up to six (6) months from the date of commencement. Further extensions may be granted by the City Manager due to individual circumstances.

An employee may be permitted to continue work whenever her pregnancy does not adversely impair her work performance or health.

An employee returning from a maternity leave of absence must present a medical statement from her physician certifying her ability to return to work.

16.17 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act provides for unpaid leave for employees under specific conditions. Permanent full-time and probationary full-time employees who have worked 1250 hours are entitled to a total of twelve (12) workweeks of leave during any 12-month period when leave is taken for one or more of the following circumstances:

- A. The birth of a son or daughter of an employee and to care for the child.
- B. The placement of a son or daughter with an employee for adoption or foster care.
- C. To care for the spouse, son, daughter, or parent of an employee, if the family member has a serious health condition.
- D. An employee is unable to perform the functions of the position because of the employee's own serious health condition.

Care-giving leave. Leave taken "to care for" a family member includes both physical and psychological care. An eligible employee's right to take leave is not limited by the availability of another family member. When both the father and mother or more than one sibling, are involved in the care of a child or parent, leave may be taken at the same time, on an overlapping basis, or sequentially, as long as leave is taken "because of" one of the circumstances listed above. A father may take leave during his wife's childbirth and recovery, even if his wife is herself an eligible employee who is also on leave.

Employee's health condition. An employee who takes leave because of the employee's own serious health condition need not, in each instance, be so physically or mentally incapacitated that the employee is generally unable to work. Rather, if the employee must be physically absent from work from time to time in order to receive treatment, it follows that the employee is temporarily "unable to perform the functions of his or her position" and is, therefore, eligible for leave for the time necessary to receive treatment.

Expiration of entitlement. The right to leave for the birth or placement of a son or daughter expires twelve (12) months after the birth or placement with the employee.

Spouses working at the same place. If both spouses are working for the city, their total leave in any 12-month period may be limited to 12 weeks if the leave is taken (1) for the birth or adoption of a child or (2) to care for a sick parent.

Unmarried partners: Unmarried companions who work for the city are each entitled to twelve (12) weeks of leave, except that no leave is available to care for each other should one of them become serious ill.

Substitution of paid leave. Depending on the reason for the leave, employees may elect, or may be required, to substitute their accrued paid vacation, personal, family, or medical or sick leave for any part of the twelve (12) weeks of leave granted. Substitution of paid leave is limited so that an employee may not be able to offset leave taken for birth, adoption, or placement of a foster child with sick or disability leave.

When substituting appropriate paid leave for unpaid leave, and the substituted paid leave is less than twelve (12) weeks in duration, the city shall provide an additional period of unpaid leave so that the total of paid and unpaid leave provided equals twelve (12) weeks.

16.18 RETURN TO WORK AUTHORIZATION

Amended by Ord 2003-13

- A. All city employees returning to work after illness or injury of more than five (5) calendar days duration must have authorization from their personal physician or from the city's designated physician. In the latter case, the visit may be scheduled by the city Personnel Director, but will be at the employee's time and expense, unless following a job-related injury.
- B. Physician's recommendation for return to work on a "limited duty" basis will be considered individually on the following basis:
 - 1. Suitable work must be available.
 - 2. The physician recommending return to work in a limited duty status must provide reasonable assurance that the condition will not exceed thirty (30) days. Extension of limited duty status beyond thirty (30) days must be approved by the department head.

ORDINANCE NO. 2003-13

AN ORDINANCE TO AMEND SECTION 16.18 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 16.18 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

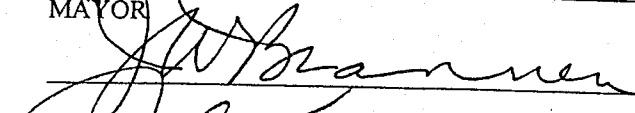

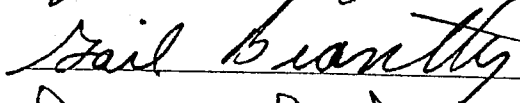

Section 16.18 Return to Work Authorization

- A. All city employees returning to work after illness or injury of more than two (2) calendar days duration must have authorization to return to work from their personal physician or from the city's designated physician, stating the specific nature of the illness or injury which prevented the employee from working. In the latter case, the visit may be scheduled by the Personnel Director, but will be at the employee's time and expense, unless following a job-related injury.
- B. Physician's recommendation for return to work on a "limited duty" basis will be considered individually on the following basis:
 - 1. Suitable work must be available.
 - 2. The physician recommending return to work in a limited duty status must provide reasonable assurance that the condition will not exceed thirty (30) days. Extension of limited duty status beyond thirty (30) days must be approved by the department head.

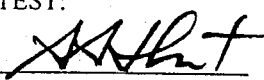
BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

PASSED, APPROVED and ADOPTED this 3rd day of June, 2003.


MAYOR





MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 96-23

AN ORDINANCE TO AMEND SECTION 4.09, SECTION 4.10, SECTION 16.03, AND SECTION 16.12 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 4.09 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.09 ANNIVERSARY DATES

For the purpose of longevity, the employee's anniversary date shall be the effective date of the initial appointment to full-time employment status to City Service.

For the purposes of salary increases, the anniversary date shall be October 1 of each year following the effective date of the initial appointment to full-time employment status in City Service.

Section 4.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.10 MERIT INCREASES

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide employee incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period on or near the anniversary date of October 1 of each year as set by City Council. An employee may be advanced to the next pay step or, in exceptional cases, to a higher step; increases will be based on job performance as appraised by the appropriate department head.

Section 16.03 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.03 COMPENSATION FOR OVERTIME

- A. The term overtime is defined as hours worked in excess of the regular scheduled workday in a forty (40) hour, seven (7) day workweek, except for police and fire services. In these services, overtime will be governed according to hours worked over the maximum in a work period allowed by the Fair Labor Standards Act. By definition, work periods are as follows:

Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

PAGE 2 OF 3 OF ORDINANCE NO. 96-23

- B. Overtime pay or compensatory time off shall be given only for authorized or directed overtime.
- C. Compensatory leave shall be at the rate of one hour leave for one hour of overtime if such time is taken in the same pay period. If not taken in the same pay period compensatory leave shall be at the rate of one-and-one half hours leave per overtime.
- D. Authorized and approved overtime shall be paid as prescribed by F.L.S.A. (Fair Labor Standards Act).
- E. Classification and Pay Plan relating to overtime or granted compensatory time in excess of normal hours shall comply with the F.L.S.A. (Fair Labor Standards Act) based on job classification.
- F. An employee who has performed authorized or directed overtime may request compensatory leave instead of pay, and such leave may be granted by the department head, if, in his/her discretion, it is administratively feasible to do so and provided such leave shall be used in compliance with the F.L.S.A.
- G. A record of earned compensatory time shall be maintained in the department of the employee.
- H. Compensatory time shall be used prior to the use of annual leave. No compensatory time will be carried for more than a twelve (12) month period.

Section 16.12 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.12 MILITARY LEAVE

All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, who shall be active members of the Alabama National Guard, naval militia or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense, other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation or sick leave; no person granted such leave of absence with pay shall be paid for more than one hundred sixty-eight (168) working hours per calendar year, and such persons shall be entitled, in addition thereto, to be paid for no more than one hundred sixty-eight (168) working hours at any one time while called by the governor to duty in the active service of the state.

The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave to his/her department head and must be approved by the City Manager before payment can be made.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

THIS ORDINANCE IS EFFECTIVE THE FIRST DAY OF OCTOBER, 1996.

PASSED, APPROVED AND ADOPTED this 1st day of October, 1996.

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8-7-14
MAYOR

Jim Graham
Jeff G. Harris
Cecil W. McManis

Arthur L. Dancy
MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:

Jaw Thomas
CITY CLERK

ORDINANCE NO. 96-19

AN ORDINANCE TO AMEND SECTION 4.09, SECTION 4.10, SECTION 16.03 PARAGRAPH A, AND SECTION 16.12 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

Section 4.09 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.09 ANNIVERSARY DATES

For the purpose of longevity, the employee's anniversary date shall be the effective date of the initial appointment to full-time employment status to City Service.

For the purposes of salary increases, the anniversary date shall be October 1 of each year following the effective date of the initial appointment to full-time employment status in City Service.

Section 4.10 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 4.10 MERIT INCREASES

Pay steps within a salary range are established to allow a means of rewarding an employee for merit, to encourage long-term careers with the city, to provide employee incentive, and to recognize individual differences in job performance. Increases within the salary schedule are not automatic.

Merit increases will be effective beginning the pay period on or near the anniversary date of October 1 of each year as set by City Council. An employee may be advanced to the next pay step or, in exceptional cases, to a higher step; increases will be based on job performance as appraised by the appropriate department head.

Section 16.03 Paragraph A of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.03 COMPENSATION FOR OVERTIME

A. The term overtime is defined as more than eight (8) hours physically worked per day in a forty (40) hour, seven (7) day workweek, except for police and fire services. In these services, overtime will be governed according to hours physically worked over the maximum in a work period allowed by the Fair Labor Standards Act. By definition, work periods are as follows:

Work period (days)	Maximum hours standards	
	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

PAGE 2 OF 2 OF ORDINANCE NO. 96-19

Section 16.12 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

SECTION 16.12 MILITARY LEAVE

All officers and employees of the State of Alabama, or of any county, municipality or other agency or political subdivision thereof, who shall be active members of the Alabama National Guard, naval militia or the Alabama state guard organized in lieu of the national guard, or of any other reserve component of the armed forces of the United States, shall be entitled to military leave of absence from their respective civil duties and occupations on all days that they shall be engaged in field or coast defense, other training, or on other service ordered under the provisions of the National Defense Act, or of the federal laws governing the United States reserves, without loss of pay, time, efficiency rating, annual vacation or sick leave; no person granted such leave of absence with pay shall be paid for more than one hundred sixty-eight (168) working hours per calendar year, and such persons shall be entitled, in addition thereto, to be paid for no more than one hundred sixty-eight (168) working hours at any one time while called by the governor to duty in the active service of the state.

The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave to his/her department head and must be approved by the City Manager before payment can be made.

BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

THIS ORDINANCE IS EFFECTIVE THE FIRST DAY OF OCTOBER, 1996.

PASSED, APPROVED AND ADOPTED this 17th day of September, 1996.


MAYOR




MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

ATTEST:


CITY CLERK

ORDINANCE NO. 2003-02

AN ORDINANCE TO AMEND SECTION 16.04 OF THE MERIT SYSTEM RULES AND REGULATIONS OF THE CITY OF PHENIX CITY, ALABAMA.

BE IT ORDAINED by the City Council of the City of Phenix City, Alabama as follows:

SECTION 16.04 of the Merit System Rules and Regulations of the City of Phenix City, Alabama is hereby amended to read as follows:

Section 16.04 HOLIDAYS

The following holidays shall be observed by the city:

New Year's Day - January 1

Robert E. Lee's Birthday/Martin Luther King Jr.'s Birthday - Third Monday in January

George Washington's Birthday/Thomas Jefferson's Birthday - Third Monday in February

Confederate Memorial Day - Fourth Monday in April

National Memorial Day - Last Monday in May

Jefferson Davis' Birthday - First Monday in June

Independence Day - July 4

Labor Day - First Monday in September

Columbus Day - Second Monday in October

Veterans' Day - November 11

Thanksgiving Day - Fourth Thursday in November

Friday after Thanksgiving- Fourth Friday in November

Christmas Eve- December 24

Christmas Day - December 25

If a holiday falls on Saturday, it is observed on the preceding Friday. Sunday holidays are observed the following Monday.

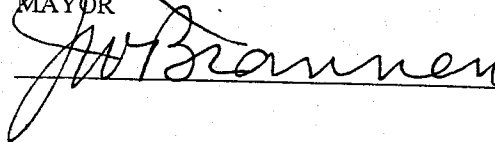
- A. Regular permanent full-time and probationary full-time employees will receive 8 hours off or 8 hours pay per holiday. All holidays earned must be taken as time off or paid in the same pay period as earned.
- B. An employee must be on active pay status or work the normal schedule of hours, both on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time, except where absence is authorized (i.e., vacation, sick time) in accordance with the Merit System rules and regulations. Holidays are not compensable for employees receiving worker's compensation.

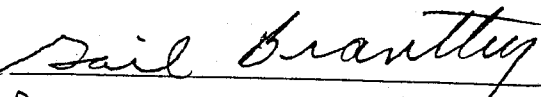
- C. Employees who are required by their supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday time. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with holiday time for that day.
- D. If the holiday falls during an employee's scheduled vacation, the employee will be charged with holiday time for that day.
- E. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. Monday shall be designated a substitute holiday and shall be observed as the official holiday when a holiday falls on a Sunday. This shall not apply to shift employees.
- F. Employees assigned and scheduled to work on a holiday, and who in fact do work, shall receive their pay for that day plus eight (8) hours pay for the holiday.
- G. Employees on jury duty, sick leave, funeral leave, or annual military leave must use the holiday on the same day that it is earned.
- H. If a holiday falls on an employee's regular day off, one day of holiday pay shall be paid in accordance with (A) of this section.
- I. Under no circumstances shall time and one-half be paid for a holiday.
- J. Permanent part-time, temporary part-time, temporary full-time, and provisional employees shall not earn paid holiday time.
- K. The City Manager will determine when any department or operation will be closed in observance of a holiday.

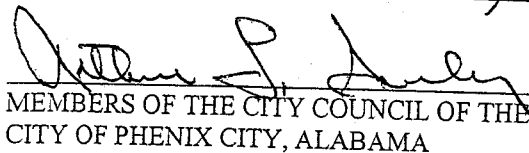
BE IT FURTHER ORDAINED that all laws or parts of laws in conflict herewith are hereby repealed. If any part of this Ordinance or the Merit System Rules and Regulations is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

PASSED, APPROVED AND ADOPTED this the 7th day of January, 2003.


MAYOR


J. W. Brannen


Paul Brantley


MEMBERS OF THE CITY COUNCIL OF THE
CITY OF PHENIX CITY, ALABAMA

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EMPLOYEE RELATIONS

SECTION 17

It is the policy of the city to encourage employees to suggest ways and means to improve city operations; to provide supervisory counseling on issues impacting work satisfaction and performance; and to make appropriate referrals for assistance in personal and health-related matters. The Personnel Director shall be responsible for establishing and coordinating these efforts with support from department heads.

17.01 SUGGESTION PLAN

All city employees shall be encouraged to participate in a Suggestion Plan in order to contribute to increased job interest and improved city operations.

Each department head shall have suggestion forms and a container or drop-off point accessible to all employees. Suggestions should be forwarded directly to the Personnel Office where they will be given due consideration.

17.02 SUPERVISORY COUNSELING

Department heads and immediate supervisors shall be accessible to employees for discussion of matters which impact job satisfaction and performance. Supervisors and department heads will be trained in detecting early signs of problems and will have access to appropriate resources for referral of employees who may be dealing with specific problems.

17.03 DRUG TESTING *Amended by Ord. # 97-31*

Only employees in the public safety division will be subjected to random drug testing; such testing will be on a random basis both in frequency and in selection of employees to be tested. Random testing shall be permitted for any employee upon reasonable suspicion.

17.04 EMPLOYEE ASSISTANCE

Employees dealing with alcohol and/or substance abuse will be referred for treatment to appropriate and available treatment centers; employee's health insurance may be used to offset treatment costs.

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HEALTH AND SAFETY

SECTION 18

It is the policy of the city to provide a safe and healthful workplace. The personal health and safety of each employee is of primary importance. Prevention of occupationally-induced injuries and illnesses will be given priority over operating productivity. To the greatest degree possible the city will provide mechanical and physical safeguards required for safety and health.

The employer accepts responsibility for leadership of the safety and health program, for its effectiveness and improvement, and for providing the safeguards required to ensure safe conditions. Supervisors are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves. Employees are responsible for compliance with all rules and regulations and for continuously practicing safety while performing their duties.

18.01 SAFETY PROGRAM

- A. Provide mechanical and physical safeguards to the maximum extent possible.
- B. Conduct safety and health inspections to find, eliminate or control safety and health hazards as well as unsafe working conditions and practices, and comply fully with the safety and health standards for every job.
- C. Train all employees in good safety and health practices.
- D. Provide necessary personal protective equipment and instructions for use and care.
- E. Develop and enforce safety and health rules, and require that employees cooperate with these rules as a condition of employment.
- F. Investigate promptly and thoroughly every accident to find out what caused it and correct the problem so it will not happen again.
- G. Establish a system of recognition and awards for outstanding safety service or performance.

18.02 WORKERS COMPENSATION

The city will comply with the laws of Alabama and provide benefits to employees who are killed or injured on the job. This will include a lump sum death benefit or payment for physicians, hospitals, physical therapy and drugs until the employee is able to return to work.

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RECORDS AND REPORTS

SECTION 19

It is the policy of the city that records shall be maintained on all personnel transactions. It is the responsibility of the Personnel Director to develop and maintain an appropriate records management and information system. The system shall provide information necessary for documenting compliance with state and federal laws and key indicators of performance of the human resources function. Individual personnel files will be available for inspection by employees and by other officials on a need-to-know basis. The Personnel Director is responsible for establishing and obtaining approval for procedures on access to files, privacy, retention of records and for preparation of periodic reports.

19.01 PERSONNEL TRANSACTIONS

All appointments, separations, and other personnel transactions shall be made on the forms designated by the Personnel Director.

19.02 CONFIDENTIALITY

Individual personnel files will be available for inspection by employees. The Personnel Director shall establish and obtain approval for procedures on access to files, privacy, and confidentiality. Other officials may have access to files only on a need-to-know basis and only with approval of Personnel Director.

19.03 DESTRUCTION OF RECORDS

Employee personnel records, either as originals or copies, shall be maintained in accordance with the records retention schedule established by the Personnel Director.

19.04 REPORTS

The Personnel Director shall submit a written annual report to the City Manager covering the accomplishments of the Personnel Division in recruitment, classification, and other major areas of Merit System administration during the preceding year. Copies of such reports shall be made available to the City Council, department heads, Personnel Board, and other interested persons.

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CERTIFICATION OF PAYROLLS

SECTION 20

It is the policy of the city that employees be paid on a regular schedule in accordance with their approved rate of pay and in accordance with the provisions of the Fair Labor Standards Act. The Personnel Director is responsible for ascertaining the accuracy of payroll data and certifying the payroll prior to processing.

20.01 PAYROLL CHANGES

A payroll change shall not take effect until the personnel action notification has been approved by the Personnel Director, Department Head, and City Manager in writing on an approved form.

20.02 REVIEW OF PAYROLLS

- A. The Personnel Director shall be supplied with the required payroll data and other information needed to examine names, salaries, dates of appointment, and other data to enable the Personnel Director to determine that all actions listed on the given payroll have been taken in accordance with the provisions of the City Merit System Rules and Regulations.
- B. After the Personnel Director has examined a given payroll, has corrected irregularities, and is otherwise satisfied that all employees contained thereon have been appointed in accordance with the provisions of the Merit System Rules and Regulations, it shall be so certified and recorded on the payroll involved and returned for processing.

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AMENDMENT TO THE MERIT SYSTEM RULES AND REGULATIONS

SECTION 21

The City Manager shall be responsible for the maintenance of the Merit System Rules and Regulations; any amendments shall be made in cooperation with the Personnel Director and in consultation with the Personnel Board. The City Manager shall present proposed amendments to the City Council. A three-fifths (3/5) vote of the full Council shall be required to amend the Rules and Regulations of the Merit System.

SAVING CLAUSE

SECTION 22

If any provision of these Rules and Regulations or order thereunder or the application of such provision to any person or circumstances shall be held invalid, the remainder of these Rules and Regulations and the application of such provision of these Rules and Regulations or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.